

**REMARKS:**

Applicant has amended the claims to put this application in full and clear condition for allowance. Applicant has rewritten claims 1, 17, 21, and 22 to more particularly define the invention in a patentable manner over the cited prior art.

**Rejections under 35 USC §102**

Claims 1, 3-6, 9, 11-16, and 21 stand rejected under USC §102(e) as being anticipated by Standard et al. (6,848,219). Applicant respectfully traverses this rejection.

Claim 1 and 21 now recite:

“...by an onstage performer,...”

The most innovative feature of the present invention is that it allows a performer to perform onstage while simultaneously controlling show audio, lighting, and/or lyric displays. A further benefit is that this system reduces the need for off-stage personnel who typically control show parameters because the system allows the performer to control show parameters himself.

Standard et al.'s invention does not lend itself to be operated by an onstage performer while he is performing, but, like many other prior art show control systems, must instead be operated by off-stage personnel. Further, Standard et al.'s invention includes a complete modified movie theatre. The present invention does not include this item, and thus the present invention has the advantage of being considerably more portable and less complex to build than the invention as described by Standard et al.

Standard et al.'s method of streaming show event sequences is very different from the present invention in that codes are embedded in the media itself to produce media that is "pre-mastered" for the show that is to be performed. The present invention streams all of the show components separately, thus eliminating the time-consuming encoding process.

The novel operational method introduced by the addition of the "...by an onstage performer,..." phrase to claims 1 and 21 produces the new and unexpected result of allowing the performer to simultaneously control show audio, lighting, and/or lyric displays resulting in the reduction of off-stage support personnel. This novel performing concept and staff reduction are unobvious and patentable over the Standard et al. reference. The present invention is currently being marketed by Alien Apparatus Company, Inc. and is enjoying considerable commercial success in the solo performer market due to its unique method of allowing performers to control their background accompaniment while performing (see attached exhibit).

### **Rejections under 35 USC §103**

Claims 2 is rejected under USC §103(a) as being unpatentable over Standard et al. in view of Jean (2003/0027120). This rejection is respectfully traversed for the following reasons:

Claim 2 is dependent on claim 1, which has been amended to include

"...by an onstage performer,..."

Applicant respectfully asserts that the prior art disclosed by Standard et al. is not operable by an onstage performer, but rather by off-stage support personnel.

Claims 7, 8, and 10 are rejected under USC §103(a) as being unpatentable over Standard et al. This rejection is respectfully traversed for the following reasons: Claims 7, 8, and 10 are dependent on claim 1, which has been amended to include

“...by an onstage performer,...”

Applicant respectfully asserts that the prior art disclosed by Standard et al. is not operable by an onstage performer, but rather by off-stage support personnel.

Claim 17-20 and 22 are rejected under USC §103(a) as being unpatentable over Standard et al. This rejection is respectfully traversed for the following reasons:

Claim 17 and 22 have been amended to include

“...by an onstage performer,...”

Claims 18-20 are dependent on claim 17 which has been amended as previously described. The Office Action cites that MIDI control signals for controlling musical systems is well known. This is true, however, the control of audio play lists is not. Commonly, audio sequences are mapped to MIDI buttons for playback. The disadvantage with this system is that the number of buttons available dictate how many sequences may be played. The play list control methodology that has been disclosed in the present invention has the novel advantage in that it is not subject to this limit.

As stated previously, the present invention is enjoying considerable commercial success due to its unique play list methodology. The sales brochure for Solo Performer Show Controller, currently being marketed by Alien Apparatus Company, Inc., is presented in the attached exhibit along with a declaration of commercial success.

### **Conclusion**

For all of the above reasons, applicant submit that the claims all define patentably over the prior art. Therefore applicant submits that this application is now in condition for allowance, which action they respectfully solicit.

### **Conditional Request for Constructive Assistance**

Applicant has amended the claims of this application so that they are proper, definite, and define novel structure which is also unobvious. If, for any reason this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. § 2173.02 and § 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,



Ronnie Benditt

Dated: 2007 Jan 2

1953 Revolutionary Court  
Phoenixville, PA 19460  
Tel: (215)-442-0615

Certificate of Facsimile Transmission. I certify that on the date below I will fax this paper (including Appendix) to GAU 2837 of the U.S. Patent and Trademark Office at 571-273-8300.

2008 Jan. 3

A handwritten signature in black ink, appearing to read "R. B. ...", is written over a horizontal line.